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FROM: LINDA WONGLEY HARR, ASSISTANT DIRECTOR
NEIGHBORHOOD PLANNING AND ZONING
CERRY KAVANAGH, DIRECTOR
OF INSTITUTIONAL PLANNING
CHRISTINE ARADJO, SENIOR PLANNER
CYNTHIA BARR, LAND USE LAWYER

SUBJECT: AUTHORIZATION TO PETITION ZONING COMMISSION TO ADOPT
ARTICLE 51, ALLIANT-BRIGHTON NEIGHBORHOOD DISTRICT ZONING

EXECUTIVE
SUMMARY: Pursuant to Article 51, the Alliant-Brighton Interim
Planning District, permanent zoning proposals for
the Alliant-Brighton Neighborhood District were presented
for public hearing on June 13, 1991. At that time the
Board of Zoning Adjustment was held under advisement and kept
the public hearing open until June 27, 1991. The Board
then voted to invite the public to attend the hearing
on June 27, 1991. At its meeting of June 27, 1991, the Board voted to extend the
public hearing until August 31, 1991. The Board
then voted to hold the hearing on September 13,
1991, at which time the hearing was closed and the matter
taken under advisement until the next meeting. Staff was
instructed to continue to monitor the situation and to
prepare a report to the Board on the progress of the
hearing.

At the Board hearing on the proposed Alliant-Brighton Neighborhood
District zoning on June 13, 1991 extensive public support was
expressed for the zoning plan. Issues were raised primarily by
Boston University, Harvard University, Boston College, St.
Elizabeth's Hospital and the Massachusetts Institute of Technology. Staff
has been working with these institutions and changes to the zoning
plan have been made. The Board is expected to meet on September 13, 1991
to consider the zoning plan. Staff will continue to monitor the situation
and to prepare a report to the Board on the progress of the hearing.

Doc. # 5430

ADOPTED 9/26/91

Taken under advisement on June 13, 1991.
Resubmitted June 27, 1991 for
discussion.

MEMORANDUM

SEPTEMBER 26, 1991

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA MONGELLI HAAR, ASSISTANT DIRECTOR
NEIGHBORHOOD PLANNING AND ZONING
GERRY KAVANAUGH, DIRECTOR
OF INSTITUTIONAL PLANNING
CHRISTINE ARAUJO, SENIOR PLANNER
CYNTHIA BARR, LAND USE LAWYER

SUBJECT: AUTHORIZATION TO PETITION ZONING COMMISSION TO ADOPT
ARTICLE 51, ALLSTON-BRIGHTON NEIGHBORHOOD DISTRICT ZONING

EXECUTIVE

SUMMARY: Pursuant to Article 27F, the Allston-Brighton Interim Planning Overlay District, permanent zoning proposals for the Allston-Brighton Neighborhood District were presented for public hearing on June 13, 1991. At that time the Board took the proposed zoning under advisement and kept the period for written comment open until June 25, 1991. The Board further voted to invite the public to address any issues at its meeting of June 27, 1991. At its meeting of June 27, 1991, the Board voted to extend the period for public comment until August 21, 1991. The zoning was resubmitted at the meeting of September 12, 1991, at which time the hearing was closed and the matter taken under advisement until the next meeting. Staff now recommends that the Director be authorized to petition the Zoning Commission to adopt Article 51.

At the BRA hearing on the proposed Allston-Brighton Neighborhood District Zoning on June 13, 1991 extensive community support was expressed for the zoning plan. Issues were raised primarily by Boston University, Harvard University, Boston College, St. Elizabeth's Hospital and Catholic Archdiocesan institutions. Staff has been meeting with these institutions and changes to the draft zoning have been made and reviewed by the Allston-Brighton PZAC. On June 27, 1991 staff provided the Board with a status report on outstanding issues. At that time, issues remained with the

- the heights of the Institutional Subdistricts should be lowered to 35 feet within 50 feet of Residential, Open Space or Conservation Protection Subdistricts and step up to 45 feet between 50 and 100 feet; and 55 feet on the interior of the Institutional Subdistricts.
- the height of the multifamily areas along Commonwealth Avenue is lowered to 55 feet and the area of coverage reduced;
- The maximum number of housing units per acre on the Conservation Protection Subdistricts less than 15 acres is not to exceed four, requiring over 10,000 square feet per unit.
- the residential parking requirement should be raised to 1.75 spaces/unit for any project under nine units.

OVERVIEW OF ALLSTON-BRIGHTON ZONING

The Allston-Brighton neighborhood planning process officially began in May 1986 when the Flynn Administration established the Allston-Brighton Planning and Zoning Advisory Committee (PZAC). The 23 member PZAC, composed of neighborhood residents and representatives from the business community has advised the city on policy and development affecting the Allston-Brighton community.

On August 18, 1987, the IPOD was adopted. The IPOD defined goals for the Allston-Brighton neighborhood and established interim zoning to assure appropriate growth and to protect the community from inappropriate development and land uses permitted by the underlying zoning, while permanent zoning was being established.

Since 1987, there have been more than 150 IPOD-related community meetings. The PZAC has been meeting to discuss those issues critical to the Allston-Brighton neighborhood; establish planning goals and objectives; participate in comprehensive planning analyses and development of revised zoning; and conduct reviews and make recommendations on major project proposals, ensuring that those proposals are reviewed within the guidelines and controls of the IPOD and within the community as a whole.

Two products culminate this four year endeavor. The Allston-Brighton Neighborhood District Zoning Article (Article 51) is the means for attaining the community's vision for Allston-Brighton by establishing the legal parameters of land uses, densities, and designs of future development. The Allston-Brighton Neighborhood Plan provides a planning vision, based on identified needs and aspirations of the community for its future. It provides community members with a sense of direction and priorities for guiding the neighborhood's future growth and development.

COMPREHENSIVE PLANNING GOALS

The Allston-Brighton Neighborhood District Zoning implements community goals to facilitate the development of a thriving neighborhood in which to live and work. The zoning envisions preserving and promoting this vibrant residential community with attractive parks and other recreational facilities supported by critical economic development, industrial areas and institutional growth management, and an integrated transportation and traffic system. Six specific goals guide the development of the Zoning Plan:

- to preserve neighborhood housing and provide for affordable and market rate housing for individuals and families;
- to preserve, enhance and create open space;
- to strengthen and promote the viable neighborhood economy, and provide for new economies and expansion of job opportunities;
- to manage the future growth and expansion of universities and hospitals;
- to reestablish the major boulevards as gateways and as strong visual and physical links in the neighborhood; and
- to improve traffic and transportation systems.

MAJOR PROVISIONS

Residential Zoning

To protect the existing character of Allston-Brighton's neighborhoods, four new residential subdistricts are proposed.

These subdistricts, which recognize the differences in density and development character that exist in various areas of Allston-Brighton, include the One-Family Subdistrict, Two-Family Subdistrict, Three-Family Subdistrict, and Multi-Family Residential Subdistrict. These residential subdistricts will:

- Maintain, enhance and promote the character of residential neighborhoods in terms of density, housing type and design;
- Provide for low and medium density multi-family housing appropriate to the existing building environment; and
- Encourage appropriate development of housing designed to enhance the neighborhood while preventing overdevelopment and poor quality of design.

These provisions allow new infill construction appropriate to the existing neighborhood fabric.

Minor changes to existing structures that do not negatively impact the character of the neighborhood are allowed as-of-right, allowing

home owners to expand without going through an extensive Board of Appeal process.

One-Family Residential Subdistricts. The goal of the One-Family Subdistrict is to preserve the predominant one-family character of areas in Allston-Brighton.

Two-Family Residential Subdistricts. The Two-Family Subdistrict is designed to preserve and promote the character of two-family neighborhoods through dimensional and use restrictions.

Three-Family Residential Subdistricts. The Three-Family Subdistrict recognizes neighborhoods in Allston-Brighton that have a more eclectic character than the two-family district. These areas have a mixture of housing types--one, two, and three family.

Multi-Family Residential Subdistricts. A variety of housing types are allowed in Multi-Family Residential Subdistricts, including one, two and three-family dwellings, row houses, and apartments.

Institutional Planning

Five Institutional Subdistricts are mapped in Allston-Brighton. The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major institutions within the subdistrict. New institutional development by these institutions, whether on- or off-campus, will be subject to Institutional Master Plan (IMP) requirements through which each institution must prepare a five year master plan for review by the Allston-Brighton community and approval by the BRA and Zoning Commission.

The five Institutional Subdistricts established within the Allston-Brighton Neighborhood District are:

- Boston College Institutional Subdistrict;
- Boston University Institutional Subdistrict;
- Franciscan Children's Hospital and Rehabilitation Center; Institutional Subdistrict
- Harvard University Institutional Subdistrict; and
- St. Elizabeth's Institutional Subdistrict.

The aforementioned major institutions have agreed to the proposal of the designation of their campuses as Institutional Subdistricts and the proposed standards and review processes for approval of institutional projects.

Over the past few years, the BRA Board has reviewed and approved IMPs prepared by Boston University and Harvard University.

Institutional projects listed on Table A (attached) are those projects which are identified in the above- referenced Harvard University and Boston University IMPs.

The St. Elizabeth's Institutional Subdistrict has been expanded to include some land formerly in the St. Gabriel's CPS. The PZAC has reviewed this proposal. To ensure that planning for this expanded Institutional Subdistrict continues, St. Elizabeth's has agreed to establish a continuous working relationship with representatives of the Washington Heights Citizen's Association and the Brighton-Allston Improvement Association in order to undertake an ongoing planning process.

Conservation Protection Subdistricts

To promote the most desirable use of land and siting of development in areas with significant environmental features, the Conservation Protection Subdistrict (CPS) is mapped on eleven sites.

To ensure that development occurs while preserving the environmental features, the CPS requires a site plan review and approval process. The types of uses allowed on these sites are defined within the zoning.

Protection of Open Space

Allston-Brighton's open space resources are greatly valued by its residents. In recognition of that fact, Open Space subdistricts have been established on publicly owned land for these resources.

Thirty-five Open Space Subdistricts have been designated to protect Allston-Brighton's 90 acres of public parkland. These subdistricts include:

- Air-Rights Open Space Subdistrict;
- Cemetery Open Space Subdistrict;
- Community Garden Open Space Subdistrict;
- Recreation Open Space Subdistrict;
- Parkland Open Space Subdistrict;
- Urban Plaza Open Space Subdistrict; and
- Urban Wilds Open Space Subdistrict.

Overlay Districts

Two types of Overlay Districts are mapped in Allston-Brighton and include the Greenbelt Protection Overlay District (GPOD) and Neighborhood Design Overlay District (NDOD).

Greenbelt Protection Overlay Districts:

The purposes of the GPOD are to preserve and protect the amenities of the city of Boston; to enhance and protect the natural scenic resources of the city; to preserve and enhance air quality and protect the city's Greenbelt Roadways from traffic congestion while abating serious safety concerns.

The GPOD is mapped in the following areas:

1. Chestnut Hill Driveway
2. Commonwealth Avenue
3. Leo Birmingham Parkway
4. Nonantum Road
5. Soldier's Field Road.

Neighborhood Design Overlay Districts:

The goal of the NDOD is to protect the existing scale and quality of the pedestrian environment, the character of the residential neighborhoods, and their concentrations of architecturally significant and historic buildings. While the development of new housing within these Neighborhood Design Overlay Districts is encouraged, the preservation of the character of any new construction or rehabilitation should preserve and complement the character of historic structures and enhance the historic quality of these neighborhoods.

Within the Neighborhood Design Overlay Districts, special design review requirements also apply.

Five Neighborhood Design Overlay Districts are designated:

1. Aberdeen Neighborhood Design Overlay District;
2. Newton Street Neighborhood Design Overlay District;
3. Raymond Street Neighborhood Design Overlay District;
4. Sparhawk Neighborhood Design Overlay District; and
5. Lake Street Neighborhood Design Overlay District.

Neighborhood Business District

The Neighborhood Business Subdistricts are established to encourage the development of neighborhood businesses in those areas which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Allston-Brighton community. There are three types of Neighborhood Business Subdistricts, including Local Convenience Subdistricts, which provide convenience retail goods and services for the immediate neighborhood and pedestrians, Neighborhood Shopping Subdistricts, which provide convenience goods and services to the larger neighborhood, and Community Commercial Subdistricts which provide a diversified commercial environment serving larger markets.

Twenty Neighborhood Business Subdistricts are established within the Allston-Brighton Neighborhood District.

1. Brooks Street Local Convenience Subdistrict;
2. Chestnut Hill Local Convenience Subdistrict;
3. Chiswick Street Local Convenience Subdistrict;
4. Faneuil Street Local Convenience Subdistrict;
5. Franklin Street Local Convenience Subdistrict;
6. Gordon Street Local Convenience Subdistrict;
7. Kelton Street Local Convenience Subdistrict;

8. Lake Street Local Convenience Subdistrict;
9. Brighton Center Neighborhood Shopping Subdistrict.
10. Cambridge Street Neighborhood Shopping Subdistrict.
11. Cleveland Circle Neighborhood Shopping Subdistrict.
12. Gorham Street Neighborhood Shopping Subdistrict.
13. Lincoln Street Neighborhood Subdistrict.
14. Market Street/North Beacon Street Neighborhood
15. Oak Square Neighborhood Shopping Subdistrict;
16. Sutherland Road Neighborhood Shopping Subdistrict;
17. Washington Street Neighborhood Shopping Subdistrict;
18. Harvard Avenue Community Commercial Subdistrict;
19. Packard's Corner Community Commercial Subdistrict; and
20. Western Avenue/ Soldiers Field Road Community Commercial Subdistrict.

In order to ensure that development within the Neighborhood Business Subdistricts is consistent with the existing high quality visual characteristics of the subdistrict, specific design guidelines have been established for these areas. These regulations include screening; fencing; landscaping; screening of off-street parking lots, off-street loading areas, and accessory storage areas; and signage.

Design review requirements are applicable in Neighborhood Business Subdistricts. Specific design requirements include regulations for street wall continuity, display window area regulations and display window usage.

Industrial Development

Local Industrial Subdistricts are designed to encourage the preservation of the existing manufacturing and industrial base in a manner which is sensitive to the needs of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Allston-Brighton Neighborhood District.

Appropriate screening, buffering and performance standards are defined to protect adjacent residential areas and the health of all residents and workers.

Eight Local Industrial Subdistricts are established within the Allston-Brighton Neighborhood District:

1. Ashford Street Local Industrial Subdistrict
2. Braintree Street Local Industrial Subdistrict;
3. Goodenough Street Local Industrial Subdistrict;
4. Guest Street Local Industrial Subdistrict;
5. Holten Street Local Industrial Subdistrict;
6. Linden Street Local Industrial Subdistrict;
7. Newton Street Local Industrial Subdistrict; and
8. North Beacon Street Local Industrial Subdistrict.

Economic Development Areas

Economic Development Areas are subdistricts established to encourage economic growth and commercial activity in a manner which is sensitive to the interests of the community, to provide economic development that is of a quality and scale to enhance the surrounding neighborhood, to encourage the diversification and expansion of Boston's and Allston-Brighton's economy, and to create areas for housing and additional public benefits to the surrounding Allston-Brighton neighborhood.

Two EDAs are established within the Allston-Brighton Neighborhood District:

- Allston Landing North
- Allston Landing South

Within the EDAs zoning provisions have been developed to encourage new economic development beneficial to the Allston-Brighton community by establishing more flexible zoning and encouraging large-scale development on underutilized sites. Planning and design controls ensure quality design. Planned Development Areas (PDAs) are allowed, but only for development which provides public benefits to the Allston-Brighton community, including the creation of new job opportunities and the diversification and expansion of Boston's economy. Slightly greater heights and FARs are permitted with the designation of a PDA.

The development of parcels in the Allston Landing North EDA and the Allston Landing South EDA through the PDA process can allow a large scale project to be developed. This process also will provide the community with full participation in the planning for Allston Landing.

Design Review

The new zoning article provides for design review within architecturally significant areas, and within prominent geographic areas such as neighborhood gateways or major boulevards. In addition, all large projects, regardless of location, will be subject to design review through Article 31.

Large Projects. Article 31, Development Review Requirements, institutes a process for the review of large scale projects and includes design review. Article 31 shall be applicable in the Allston-Brighton Neighborhood District for all projects having a gross floor area of 50,000 gross square feet or more.

Projects not Subject to Article 31. Projects of 20,000 gross square feet or more and projects for the construction of 15 or more units of housing are also subject to design review. Most exterior alterations within a Neighborhood Design District are also subject to design review.

Design Guidelines. Article 31 review evaluates the impacts of development and includes the review of transportation impacts, environmental impacts, and community benefits, as well as design review. Specific design guidelines relate to a project's scale, exterior proportions, massing, access and egress, window treatment, materials colors, and architectural detailing.

On September 12, 1991, the BRA closed the hearing on Article 51 and requested that the staff submit a recommendation at the following BRA meeting.

RECOMMENDATION:

The BRA staff recommends that the Board petition the Zoning Commission to adopt Article 51, text and map amendments.

An appropriate vote follows:

Voted: That the Director is authorized to petition the Zoning Commission to adopt Article 51, text and map amendments in substantial accord with the amendments submitted at the BRA Board meeting of September 26, 1991; and

That the BRA approves an amendment to the Harvard University Master Plan to include the existing Newell Boat House; and

That the Director is authorized to petition the Zoning Commission to approve the Institutional Master Plans of Boston University and Harvard University, including periodic updates, and the projects listed on Attachment A to the depth to which they are defined within corresponding Institutional Master Plans.

ATTACHMENT A

ALLSTON-BRIGHTON REZONING

MASTER PLAN PROJECTS

HARVARD UNIVERSITY - ALLSTON

- o Morgan Hall Renovation and Expansion
- o Harvard Business School Chapel
- o Racquet Facility
- o Chilled Water Plant
- o Renovation of Baker Library
- o Office of Information Technology Building
- o Demolition of Carey Cage
- o Temporary modular building (during Morgan renovation)
- o Renovation of Cummock Hall

BOSTON UNIVERSITY

- o Site B - Intersection of Ashford and Babcock Streets*
- o Site C - 300 Babcock Street and 76-120 Ashford Street*
- o Site D - 1019 Commonwealth Avenue
- o Site F - Commonwealth Armory
- o Site H - B.U. Bridge/Storrow Drive

* Not yet defined in detail - only a development concept defined.

Doc. # 5430

ADOPTED 9/26/91

Text Amendment Application No.
Boston Redevelopment Authority
Allston-Brighton Neighborhood District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article 50, the following article:

ARTICLE 51

ALLSTON-BRIGHTON NEIGHBORHOOD DISTRICT

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SECTION 51-1. Statement of Purpose, Goals, and Objectives. The purpose of this article is to establish the zoning regulations for a neighborhood plan for the Allston-Brighton Neighborhood District as required by the provisions of the Allston-Brighton Interim Planning Overlay District, Article 27F of this Code. The goals and objectives of this article and the Allston-Brighton Neighborhood Plan are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to promote mixed-income residential development; to provide for affordable and market rate housing for individuals and families; to promote the viable neighborhood economy, and provide for new economies and expansion of job opportunities; to provide for the well-planned development of institutions to enhance their public service and economic development role in the neighborhood; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land in accordance with the Allston-Brighton Neighborhood Plan; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 51-2. Recognition of the Allston-Brighton Neighborhood Plan. In accordance with Section 27F-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the Allston-Brighton Neighborhood District, the Commission shall recognize the Allston-Brighton Neighborhood Plan, when approved, as the general plan for the Allston-Brighton Neighborhood District. The Allston-Brighton Neighborhood Plan, when approved, shall also serve as the portion of the general plan for the City of Boston

applicable to the Allston-Brighton Neighborhood District. This article is an integral part of and one of the means of implementing the Allston-Brighton Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 51-3. Physical Boundaries. The provisions of this article are applicable only in the Allston-Brighton Neighborhood District. The boundaries of the Allston-Brighton Neighborhood District and its subdistricts are as shown on the map entitled "Map 7A Allston-Brighton Neighborhood District" (supplemental to 'Map 7 Brighton) of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 51-4. Applicability. This article together with the rest of this Code constitute the zoning regulation for the Allston-Brighton Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27F to the Allston-Brighton Neighborhood District is rescinded, and the Allston-Brighton Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through

24 of this Code for the Allston-Brighton Neighborhood District. Proposed Projects (which term shall include Proposed Institutional Projects), however, are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such permit, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances; and provided further that all construction work is completed within two (2) years from the effective date of this Article and in accordance with the building permit as in effect on said effective date.

SECTION 51-5. Prohibition of Planned Development Areas. Within the Allston-Brighton Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Sections 51-39 through 51-44.

SECTION 51-6. Community Participation. This Article has been developed with the extensive participation of the Allston-Brighton Planning and Zoning Advisory Committee, civic associations, business groups, institutions, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that

role, the Allston-Brighton Planning and Zoning Advisory Committee or its successor organization, if any, and the Allston-Brighton civic associations, residents, business and trade groups, and institutions shall continue to play an ongoing role in advising the City on land use planning for Allston-Brighton.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 51-7. **Establishment of Residential Subdistricts.** This Section establishes Residential Subdistricts within the Allston-Brighton Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Subdistrict while preventing overdevelopment. These Residential Subdistricts are designated as follows on "Map 7A Allston-Brighton Neighborhood District":

1. One-Family Residential Subdistricts, as indicated by the designation "1F" on said Map. The One-Family Residential Subdistricts are established to preserve, maintain and promote low density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 1F subdistrict the maximum number of Dwelling Units allowed in a single structure shall be one (1).
2. Two-Family Residential Subdistricts, as indicated by the designation "2F" on said Map. The Two-Family Residential Subdistricts are established to preserve, maintain, and promote low density two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F subdistrict the maximum number of Dwelling Units allowed in a single Building shall be two (2).

3. Three-Family Residential Subdistricts, as indicated by the designation "3F" on said Map. The Three-Family Residential Subdistricts are established to preserve the low density three-family areas with a variety of housing types appropriate to the existing fabric including one, two, but no more than three family dwellings and to allow minor changes to occur as-of-right. In a 3F subdistrict the maximum number of Dwelling Units allowed in a single Building, in a Town House Building, or in a Row House Building shall be three (3).

4. Multifamily Residential Subdistricts, as indicated by the designation "MFR" on said Map. The Multifamily Residential Subdistricts are established to encourage medium density multifamily areas with a variety of allowed housing types including one-, two- and three-family Dwellings, Row Houses, Town Houses and multifamily dwellings.

SECTION 51-8. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts of the Allston-Brighton Neighborhood District, the uses identified in Table A of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use

is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Residential Subdistrict.

2. Basement Units: Notwithstanding any other regulations to the contrary, Dwelling Units in a Basement, as that term as defined in Article 2A, shall be a forbidden use in the Allston-Brighton Neighborhood District.

SECTION 51-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, minimum Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Proposed Project in a Residential Subdistrict and the maximum allowed Building Height and Floor Area Ratio for such Proposed Project shall be established by:
 - (i) determining whether the Lot is located in a zone designated "3000" (minimum Lot Area of 3,000 square feet), "4000" (minimum Lot Area of 4,000 square feet), "5000" (minimum Lot Area of 5,000 square feet) or "6000" (minimum Lot Area of 6,000 square feet) as shown on Map 7A, Allston-Brighton Neighborhood District and (ii) determining the dimensional requirements applicable to the pertinent zone by reference to Table D of this Article.

2. Allowed Additions in Required Yards. Within a One-Family Residential

Subdistrict, Two-Family Residential Subdistrict or Three-Family Residential

Subdistrict, additions to existing Detached Dwellings or Main Buildings may

extend into a required yard (except the Front Yard) when the existing

Detached Dwelling or Main Building is already nonconforming with respect

to that yard; provided that such non-conformity affects at least seventy

percent (70%) of the total length of the wall facing such required yard. The

extension of the line formed by the principal alignment of the

nonconforming wall of the Detached Dwelling or Main Building shall be the

limit to which the addition may be built. The addition may extend up to the

applicable maximum Building Height and may include a basement addition.

The Floor Area Ratio of the existing Detached Dwelling or Main Building

together with the new addition shall not exceed the maximum allowed Floor

Area Ratio specified for the Subdistrict. The addition to the nonconforming

wall or walls shall comply with the following requirements:

(a) Side Yard: When completed, the side wall of an addition to a nonconforming side wall is at all points at least five (5) feet from the Side Lot Line and ten (10) feet from an existing Detached Dwelling or Main Building on an abutting lot.

(b) Rear Yard: When completed, the rear wall of an addition to a nonconforming rear wall is at all points at least twenty (20) feet from the Rear Lot Line.

3. Lot Frontage. Within a One-Family Residential Subdistrict, Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table D of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.

4. Location of Parking. Accessory off-street parking in Residential Subdistricts shall not be located in any part of the front or side yards required by this article, as set forth in Table E.

REGULATIONS APPLICABLE TO INSTITUTIONS

SECTION 51-10. Establishment of Institutional Subdistricts. This section establishes five (5) Institutional Subdistricts within the Allston-Brighton Neighborhood District as designated on "Map 7A, Allston-Brighton Neighborhood District." The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major institutions within the Allston-Brighton Neighborhood District as they exist as of the effective date of this article. Proposed Institutional Projects located in the Allston-Brighton Neighborhood District, whether on- or off-campus, will be subject to the institutional master plan requirements set forth in Sections 51-13 through 51-18. The Institutional Subdistricts are:

1. Boston College Institutional Subdistrict;
2. Boston University Institutional Subdistrict;
3. Harvard University Institutional Subdistrict;
4. St. Elizabeth's Hospital Institutional Subdistrict;
5. Franciscan Children's Hospital Institutional Subdistrict;

SECTION 51-11. Use Regulations Applicable in Institutional Subdistricts.

1. Within the Institutional Subdistricts, the uses identified in Table C of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table C. No land or structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table C as "A" (allowed) or, subject to the provisions of

Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden for the Institutional Subdistricts. See Section 51-13.2 for additional provisions regulating Institutional Uses.

SECTION 51-12. Dimensional Regulations Applicable in Institutional

Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Institutional Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are as set forth in Table I of this Article, except that any Proposed Project which is determined to be consistent with an Applicable Institutional Master Plan, pursuant to Section 51-17, shall be deemed to be in compliance with the dimensional requirements of this Article, notwithstanding any contrary provision of Table I. See Section 51-13.2 for additional provisions regulating dimensions of Proposed Institutional Projects.

SECTION 51-13. Institutional Master Plan Requirement.

1. Applicability of Requirement. The Inspectional Services Department shall not issue a building, use, or occupancy permit for any Proposed Institutional Project for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, located in the Allston-Brighton Neighborhood District that is (or immediately after

completion will be) used or occupied for an Institutional Use, unless such Proposed Institutional Project is:

- (a) consistent with an Applicable Institutional Master Plan, pursuant to Section 51-17; or
- (b) for interior alterations to an existing building (i) limited to repairs or renovations that do not Substantially Rehabilitate (as that term is defined in Section 26A-2) such building, or (ii) limited to repairs or renovations that Substantially Rehabilitate such building and affect a gross floor area of not more than fifty thousand (50,000) square feet (which area is not otherwise related to or a phase of another Proposed Institutional Project) and do not involve a change of use or an increase in gross floor area of more than five thousand (5,000) square feet; or
- (c) within an Institutional Subdistrict, for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project, together with all Previous Institutional Projects, as that term is hereinafter defined, within said Institutional Subdistrict do not affect an aggregate gross floor area of more than ten thousand (10,000) square feet; or

(d) outside of any Institutional Subdistrict, for the erection, extension, alteration, use, or occupancy of an Institutional Use if the use category, other than Institutional Use, that most closely describes such Proposed Institutional Project is:

(i) general office, and accessory parking and other accessory uses ordinarily incident thereto, provided that such Proposed Institutional Project, together with Previous Institutional Projects for such subuse located outside of any Institutional Subdistrict, do not affect an aggregate gross floor area of more than ten thousand (10,000) square feet and provided further that such Proposed Institutional Project is not located within one thousand (1,000) feet of the Institutional Subdistrict occupied primarily by the Institutional Uses of such Institution;

(ii) storage, and accessory parking and other accessory uses ordinarily incident thereto, provided that such Proposed Institutional Project, together with Previous Institutional Projects for such subuse located outside of any Institutional Subdistrict, do not affect an aggregate gross floor area of more than ten thousand (10,000) square feet and provided further that such Proposed Institutional Project is not located within one thousand (1,000) feet of the Institutional Subdistrict occupied primarily by the Institutional Uses of such Institution;

- (iii) research laboratory or product development and prototype manufacturing, and accessory parking and other accessory uses ordinarily incident thereto, provided that such Proposed Institutional Project is not located within an Applicable Institutional Master Plan Area; or
- (e) exempted from the requirements of this Section 51-13 pursuant to the provisions of subsection 3 below.

For the purposes of the preceding subparagraphs (c) and (d), a "Previous Institutional Project" means a project:

- (1) that is not described in an Applicable Institutional Master Plan; and
- (2) that involved the erection or extension (and for purposes of subparagraph (d), also including projects for the alteration, use, or occupancy), of any building or structure occupied or, upon issuance of a building or occupancy permit, to be occupied by an Institutional Use; and
- (3) that has been completed within the five-year period immediately preceding the date of application for a building permit for the Proposed Institutional Project described in subparagraph (c) or

(d), or that is under construction or the subject of a pending building permit application as of such date.

The proponent of a Proposed Institutional Project who has determined that such Proposed Institutional Project is exempted from the requirements of this Section 51-13, pursuant to subparagraphs (b) through (d) above, shall notify in writing the Department of Inspectional Services and the Boston Redevelopment Authority of the basis for such determination at the time a building or use permit application is filed for such Proposed Institutional Project. Any applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 51-13 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any Proposed Institutional Project described in the subparagraphs (b) through (d) subject to the provisions of its Institutional Master Plan, in which event such Proposed Project shall be governed by the provisions of Sections 51-13 through 51-18 hereof as though not exempted.

A Proposed Institutional Project located outside an Institutional Subdistrict and exempted from the Institutional Master Plan requirements of this Section 51-13 pursuant to subparagraphs (b) through (d) above, and not electively described in the Institution's Institutional Master Plan

pursuant to the preceding paragraph, shall be governed by the use, dimensional, and other regulations of this article and code applicable to the use category, other than an Institutional Use, that most closely describes such project.

Any Proposed Institutional Project required to be consistent with an Applicable Institutional Master Plan as approved by the Zoning Commission shall be deemed to be a project for which zoning relief is required for the purposes of Articles 26, 26A, and 26B.

2. Special Provisions Applicable to Institutional Uses and to Uses Described

in Institutional Master Plans. Any Institutional Use located within an

Institutional Subdistrict shall be allowed if so indicated in Table C.

However, any High Impact Subuse, as that term is defined below (other than a subuse existing as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article), must be located in a manner consistent with an Applicable Institutional Master Plan. A "High Impact Subuse" means a subuse of such Institutional Use so identified in the definition of such Institutional Use set forth in Article 2A.

Notwithstanding any contrary provision of Section 51-11 or of Tables A, B, or C, each of the following uses shall be deemed allowed for all purposes under this Code if fully described for its location in an Applicable Institutional Master Plan in accordance with Section 51-14(b) (existing uses) or Section 51-14(c) (proposed uses), as the case may be,

and if consistent with any applicable conditions or requirements set forth in such Institutional Master Plan:

- (a) an Institutional Use not otherwise allowed for its location pursuant to Tables A, B, or C;
- (b) a non-institutional use located within an Institutional Subdistrict and not otherwise allowed for its location pursuant to Table C.

Notwithstanding anything to the contrary in this Section 51-13, any Institutional Use existing within an Institutional Subdistrict as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed to be an allowed use, whether or not described in an Applicable Institutional Master Plan and without need for a determination of consistency with such an Institutional Master Plan pursuant to Section 51-17.

Any building or structure existing within an Institutional Subdistrict as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article and

- (i) used for an Institutional Use as of such date, or
- (ii) fully described in an Applicable Institutional Master Plan in accordance with Section 51-14(b)

shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9.

The dimensional, parking, and loading requirements for any Proposed Institutional Project that is subject to the provisions of Section 51-13 through Section 51-18, and not exempt therefrom by the provisions of Section 51-13, shall be determined by the provisions of the Applicable Institutional Master Plan notwithstanding any contrary provision of Tables D through K of this Article. Any building or structure that is located within an Institutional Master Plan Area and that is determined to be consistent with an Applicable Institutional Master Plan, pursuant to Section 51-17, shall be deemed to be in compliance with the dimensional, parking, and loading requirements of this Article.

3. Exemption for Smaller Institutions. The provisions of this Section 51-13 shall not apply to a Proposed Institutional Project if the Proposed Institutional Project, together with all of the Institution's other Institutional Uses occupy a combined gross floor area of less than one hundred fifty thousand (150,000) square feet; provided, however, that if the combined gross floor area occupied by the Proposed Institutional Project and all such other Institutional Uses equals or exceeds fifty thousand (50,000) square feet, the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the

Institution shall be subject to the provisions of Sections 51-13 through 51-18. An Institution may not seek approval of an Institutional Master Plan if the combined gross floor area of all of its Institutional Uses, including any Proposed Institutional Project, is less than fifty thousand (50,000) square feet.

SECTION 51-14. Content of Institutional Master Plans. An Institutional Master Plan shall include the elements described in this Section 51-14 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of the Institution's current and future projects. The Institutional Master Plan shall project its proposed development plan at least five (5) years into the future, commencing from the date of submission of the Institutional Master Plan, and shall include all currently planned Proposed Institutional Projects within the Plan. In addition, the Plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the broad direction to be taken by the Institution with regard to its growth and services. An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within the Allston-Brighton Neighborhood District, provided that if an Institution's campus lies only partially within the Allston-Brighton Neighborhood District and partially within one or more adjacent zoning districts within which institutional master planning requirements are applicable, the Boston Redevelopment Authority, in its Scoping Determination issued pursuant to Section 51-15.2, may require that a unified Institutional Master Plan be prepared with

respect to the Institution's campus within said districts. Each Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination described in Section 51-15.2:

(a) Mission and Objectives

A statement which defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston and Allston-Brighton residents.

(b) Existing Property and Uses

A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and

loading areas and facilities including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.

(c) Needs of the Institution

A summary and projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii) parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.

(d) Proposed Future Projects

A description of any proposed future projects of the Institution within the geographic scope of the Institutional Master Plan and their relationship to present and future needs. The required descriptions may include:

- (i) site locations and approximate building footprints;
- (ii) uses (specifying each particular use, such as classroom, laboratory, parking facility);
- (iii) square feet of gross floor area;
- (iv) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
- (v) floor area ratios;

- (vi) building heights;
- (vii) parking areas or facilities to be provided in connection with proposed projects;
- (viii) any applicable urban renewal plans, land disposition agreements, or the like;
- (ix) current zoning of sites;
- (x) total project cost estimates;
- (xi) estimated development impact payments;
- (xii) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.

(e) Pedestrian Circulation Guidelines and Objectives

A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.

(f) Urban Design Guidelines and Objectives

A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.

(g) Job Training Analysis

A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston Schools and other programs to train and employ Boston and Allston-Brighton students at the requisite skill levels.

(h) Community Benefits Plan

An identification of community benefits to minimize or mitigate detrimental and adverse impacts of proposed future projects on communities and neighborhoods within which proposed future projects are located.

(i) Additional Elements

Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program.

SECTION 51-15. Approval of Institutional Master Plans by the Boston Redevelopment Authority. No Institutional Master Plan shall be approved by the Boston Redevelopment Authority, except in conformity with the provisions of this Section.

1. Institutional Master Plan Notification Form. The Institution seeking an Institutional Master Plan approval shall commence the process by filing an Institutional Master Plan Notification Form (IMPNF) in writing with the Boston Redevelopment Authority. An IMPNF shall consist of those elements of an Institutional Master Plan identified in paragraphs (a) and (d) of Section 51-14, and, if the Institution is planning one or more Proposed Institutional Projects, the IMPNF also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Sections 31-6 through 31-10. Within five (5) days after submission of an IMPNF to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice state the name of the Institution and to identify the Institutional Master Plan Area, and shall make copies of the IMPNF available to the public. Within thirty (30) days of such notice, public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority.

2. Scoping Determination. After the public consultation session required by Subsection 7 hereof, and based on the Boston Redevelopment Authority's review of public comments and the IMPNF, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 51-14 that are to be

included in the Institutional Master Plan. Such Scoping Determination shall be issued no later than forty-five (45) days after the Institution files an IMPNF.

3. Institutional Master Plan. The Institution shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan. Within five (5) days after submission of the Institution's Institutional Master Plan to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the Institutional Master Plan Area, and shall make copies of the Institutional Master Plan available to the public. Within sixty (60) days of such notice, public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority.

4. Adequacy Determination. After the public hearing required by Subsection 7 hereof, and based on the Boston Redevelopment Authority's review of public comments and the Institutional Master Plan, the Boston Redevelopment Authority shall issue a written Adequacy Determination within one hundred twenty (120) days after the submission of said Institutional Master Plan to the Boston Redevelopment Authority. In issuing an Adequacy Determination, the Boston Redevelopment Authority shall

approve the Institutional Master Plan, conditionally approve the Institutional Master Plan, or disapprove it in whole or in part. If all or any part of the Institutional Master Plan is disapproved, specific reasons setting forth the areas in which the Institutional Master Plan is at variance with the requirements of the Scoping Determination or this Article shall be provided in the Adequacy Determination. An Adequacy Determination which, in whole or in part, conditionally approves or which disapproves the Institutional Master Plan may require additional elements, information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination and the provision of this Article.

5. Revised Institutional Master Plan. If the Boston Redevelopment Authority's Adequacy Determination disapproves the Institution's Institutional Master Plan, the Institution shall revise the Institutional Master Plan prior to resubmission. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner provided in, and subject to the requirements of, paragraphs 3 and 4 of this Section 51-15.

6. Time Extensions for Determinations. The Boston Redevelopment Authority may, by notifying the Institution in writing, extend the time periods set out in this Section 51-15 for issuing a Scoping Determination or Adequacy Determination if it finds that: (a) additional time is necessary to render a

determination because of the complexity of the Master Plan; or (b) additional time is necessary for the public, including public agencies, to review and comment on the Master Plan. No more than one fifteen (15) day extension of time may be exercised in connection with the issuance of a Scoping Determination and no more than one sixty (60) day extension of time may be exercised in connection with an Adequacy Determination.

7. Community Participation. The Institution shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)), as requested by the Boston Redevelopment Authority, of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan to allow for distribution to interested parties. The Boston Redevelopment Authority shall make copies of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan available generally to the public within five (5) days after such materials have been submitted to the Boston Redevelopment Authority and shall transmit copies of such materials upon request to Allston-Brighton civic and neighborhood organizations. Prior to issuing its Scoping Determination for the review of an Institutional Master Plan or an amendment or renewal thereof, the Boston Redevelopment Authority shall schedule a public consultation session to review the proposal and discuss potential impacts. The Boston Redevelopment Authority shall hold a public hearing prior to approving an Institutional Master Plan, or an amendment or renewal thereof, except that no public

hearing shall be required for renewal or amendment that includes no new Proposed Institutional Projects and otherwise satisfies the requirements of Section 51-18.3(a).

8. Standards for Institutional Master Plan Approval by the Boston

Redevelopment Authority. An Institutional Master Plan shall be approved by the Boston Redevelopment Authority only if the Boston Redevelopment Authority finds that: (i) the Institutional Master Plan conforms to the provisions of this article; (ii) the Institutional Master Plan conforms to the Allston-Brighton Neighborhood Plan, and the general plan for the city as a whole; (iii) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

9. Coordination with Other Development Review.

(a) Article 31 Development Review. In reviewing, pursuant to Article 31, a Proposed Institutional Project subject to the provisions of Section 51-13, the Boston Redevelopment Authority shall

- (i) require in its Scoping Determination under Article 31 that the Project Impact Report address the cumulative impacts associated with the Proposed Institutional Project when added to existing Institutional Uses of the Institution and other

Proposed Institutional Projects identified in the Institution's Master Plan; and

(ii) limit its Scoping Determination under Article 31 to those issues not already satisfactorily examined in the context of the Institutional Master Plan; and

(iii) include in its Scoping Determination and review under Article 31, at the request of the Applicant, the Development Impact Project Plan required by the applicable provisions of Article 26, Article 26A, and Article 26B, and the issues raised thereby, if the Applicant has submitted such Development Impact Project Plan to the Boston Redevelopment Authority together with the Project Impact Report required by Article 31; and

(iv) limit any mitigation measures or project modifications required as a result of development review under Article 31 to those necessary to mitigate or address adverse impacts identified in the Article 31 development review process.

(b) Development Impact Projects: Articles 26, 26A, and 26B. If

requested by an Institution, the Boston Redevelopment Authority shall

review any Development Impact Project Plan required by the applicable provisions of Articles 26, 26A, and 26B for a Proposed Institutional Project (i) as part of the approval, amendment, or renewal of an Applicable Institutional Master Plan pursuant to Section 51-15 or (ii) as part of the development review of such Proposed Institutional Project pursuant to Article 31. Such procedure shall not limit or modify any of the substantive or procedural requirements of said articles.

A Development Impact Project Plan prepared pursuant to Article 26, Article 26A, or Article 26B for a Proposed Institutional Project may incorporate by reference those portions of an Applicable Institutional Master Plan that are pertinent to the requirements of Section 26-2.2, 26A-2.2, or 26B-2.2, as the case may be.

10. Appeals. An applicant aggrieved by the issuance of an Adequacy Determination by the Boston Redevelopment Authority disapproving or conditionally approving an Institutional Master Plan pursuant to this Section 51-15 may appeal to the Board of Appeal within forty-five (45) days after the issuance of such Adequacy Determination, in accordance with the provisions of Article 6.

SECTION 51-16. Zoning Commission Approval; Establishment of Institutional Master Plan Areas. Upon approval of the Institutional Master Plan by

the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration. The Zoning Commission may approve the Institutional Master Plan and upon such approval establish an Institutional Master Plan Area to be governed by the Institutional Master Plan.

The following Institutional Master Plans filed with the Boston Redevelopment Authority shall be deemed approved hereunder as though such Institutional Master Plans had been approved pursuant to the provisions of this Article:

- o Harvard University - Allston Campus, dated _____, as amended on _____;
- o Boston University, dated _____, as amended on _____.

Notwithstanding any contrary provision of Section 51-14 or Section 51-15, any Institutional Master Plan or amendment, initial application for which was submitted prior to September 1, 1991 shall not be subject to the content requirements of Section 51-14 nor require a new scoping determination but shall be reviewed in the form submitted to the Boston Redevelopment Authority and the community as of such date.

The Institutional Master Plan Area shall be applicable on an overlay basis and may include non-contiguous elements. Any use described in an Applicable Institutional Master Plan that is consistent with such Applicable Institutional Master Plan, as certified in accordance with Section 51-17 below, and which has satisfied any applicable requirements of Article 31, shall be deemed to be in compliance with the

use, dimensional, parking and loading requirements of this article, notwithstanding the provisions of the underlying zoning and without the requirement of further zoning relief.

SECTION 51-17. Consistency with an Institutional Master Plan. The Department of Inspectional Services shall not issue a building, use or occupancy permit for any Proposed Project that is subject to the provisions of Section 51-13 (and that is not exempt from such provisions by the terms thereof) for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, unless the Director of the Boston Redevelopment Authority certifies that the Proposed Project is located within an Institutional Master Plan Area, is adequately described in an Applicable Institutional Master Plan as required by Section 51-14(d), and is consistent with such Applicable Institutional Master Plan. Prior to making such a certification of consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Institutional Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan. An Institution aggrieved by the denial of any permit by the Department of Inspectional Services pursuant to this Section 51-17 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 51-18. Update, Renewal, and Amendment of Institutional Master Plans.

1. Annual Update. An approved Institutional Master Plan shall be updated annually, on or before the anniversary of the approval date of the Institutional Master Plan. To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects, including any projects exempt from the provisions of Section 51-13 pursuant to Section 51-13.1(d), that: (a) have been completed since the most recent annual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twelve (12) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Subsection 1. Such annual update of an Applicable Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such annual update shall not serve to add any such project to any Applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 51-18.3.

2. Time for Renewal or Amendment. An approved Institutional Master Plan may be renewed or amended at any time. If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the fourth anniversary of the date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required), or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 51-18, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any certificate of consistency, as described in Section 51-17, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to renew an Institutional Master Plan prior to the expiration of such four-year period shall not affect the status under the Institutional Master Plan of then existing uses or of building, use, or occupancy permits already issued as of such expiration.

3. Procedure for Renewal or Amendment. The procedure for renewing or amending an Institutional Master Plan shall be identical to that for the initial approval of an Institutional Master Plan except that:

- (a) if, upon review of the IMPNF submitted in connection with such renewal or amendment, the Boston Redevelopment Authority

determines that no new Proposed Institutional Projects are planned, that no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan, and that no significantly greater impacts would result from continued implementation of the Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and original Institutional Master Plan together as the renewed or amended Institutional Master Plan;

- (b) the Boston Redevelopment Authority, at the request of the Institution, shall waive the requirements of an IMPNF and Scoping Determination for approval of an amendment to or renewal of an Institutional Master Plan, where the only change in the Institutional Master Plan provided for in the proposed amendment or renewal is the inclusion of one or more additional Proposed Projects that satisfy each of requirements (1), (2), (3), and (4) below, as applicable:

- (1) the Proposed Project is located within an Institutional Subdistrict or, if the Proposed Project is for an Institutional Use (a "Proposed Institutional Project"), and is located outside an Institutional Subdistrict, the use category, other than an

Institutional Use, that most closely describes such Proposed Institutional Project is identified on Table C as:

- (i) an allowed use; or
- (ii) a conditional use, provided that the Board of Appeal has granted permission, pursuant to Article 6, for such conditional use; or
- (iii) a forbidden use, provided that the Board of Appeal, pursuant to Article 7, has granted a variance for such forbidden use; and

(2) if the Proposed Project is for an Institutional Use (a "Proposed Institutional Project") and is located outside an Institutional Subdistrict, its dimensions and parking and loading spaces meet all the requirements applicable to the use category, other than Institutional Use, that most clearly describes the Proposed Institutional Project; and

(3) for a College or University Use or Hospital Use, such Proposed Institutional Project is not for one or more of the high impact subuses identified in the definition of a College or University Use or Hospital Use in Article 2A; and

- (4) the Proposed Project is not subject to the Development Review Requirements of Article 31 pursuant to Section 51-46.

Notwithstanding any provisions to the contrary in Section 51-15.4, the Boston Redevelopment Authority shall issue its written Adequacy Determination under Section 51-15.4 concerning a proposed amendment to an Institutional Master Plan under this Section 51-18.3(b) within sixty (60) days after the submission of the proposed amendment to the Boston Redevelopment Authority, and public comments concerning such proposed amendment, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the Boston Redevelopment Authority has published notice of such submission as required by Section 51-15.3;

- (c) if the proposed amendment is limited to the addition to the Institutional Master Plan of one or more Proposed Institutional Projects, review by the Boston Redevelopment Authority shall be limited to such Proposed Institutional Project(s), taking into consideration the cumulative impacts of such Proposed Institutional Project(s) together with existing uses and other Proposed Projects.

Nothing in subsections 51-18.3(b) or (c) shall affect the requirement for full community participation in the review by the Boston Redevelopment Authority of

said amendment pursuant to Section 51-15.7, including the requirement that a public hearing be conducted. An amendment or renewal pursuant to said subsections shall not require further approval by the Zoning Commission, and the date of approval of such amendment or renewal by the Boston Redevelopment Authority shall constitute the new approval date for such Institutional Master Plan for all purposes hereunder. For all other amendments or renewals, the new approval date for the Institutional Master Plan shall be the date of approval of the amendment or renewal by the Zoning Commission.

An Institution may make a combined amendment and renewal submission to the Boston Redevelopment Authority, in which event the scope of such submission shall include the entire Institutional Master Plan Area, and the provisions of Subsection 51-18.3(c) shall not apply.

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

SECTION 51-19. Establishment of Conservation Protection Subdistricts.

This Section 51-19 establishes eleven (11) "Conservation Protection Subdistricts" (CPS) in the Allston-Brighton Neighborhood District. The CPSs are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of Allston-Brighton. The CPSs are designated "CPS" on "Map 7A Allston-Brighton Neighborhood District":

1. Cenacle Retreat Center CPS;
2. Crittenton CPS;
3. Foster Street Hill CPS;
4. Foster Street Rock CPS;
5. Kennedy Rock CPS;
6. Leamington Rock CPS;
7. Mt. Saint Joseph's Academy CPS;
8. Oakland Quarry CPS;
9. St. Gabriel's Monastery CPS;
10. St. John's Seminary CPS; and
11. St. Sebastian's CPS.

SECTION 51-20. Use Regulations Applicable in Conservation Protection

Subdistricts. Within the Conservation Protection Subdistrict, the uses identified in Table A of this Article and described in greater detail in Article 2A, are allowed,

conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden for the Conservation Protection Districts.

SECTION 51-21. Dimensional Regulations Applicable in Conservation

Protection Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space and the maximum allowed Building Height and Floor Area Ratio for any Lot in a Conservation Protection Subdistrict are set forth in Table H of this Article.

SECTION 51-22. Site Plan Review and Approval Regulations. In order to assure that any significant new development within Conservation Protection Subdistricts occurs in a manner that is protective of the special natural and scenic features of these subdistricts in accordance with a plan considering the most desirable land uses for such areas, the following site plan approval regulations apply. The Commission of the Department of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section 51-22, unless the Director of the Boston Redevelopment Authority has issued a certificate of compliance with this Section.

1. Applicability of Site Plan Review Requirements.

(a) The site plan review requirements of this Section 51-22 shall apply to any Proposed Project within a Conservation Protection Subdistrict, other than the St. John's Seminary CPS, unless such Proposed Project, together with Previous Projects, as hereinafter defined, does not, within said CPS, add more than 5,000 square feet of gross floor area or add more than 5,000 square feet of impervious surface, or involve regrading or recontouring of land with the addition, removal or relocation of one hundred (100) or more cubic yards of earth. For the purposes of this Subsection 51-22.1, "Previous Project" means any project which has been substantially completed within the three-year period ending on the date of submission of the building permit application for such Proposed Project or which, as of such date, was under construction or was the subject of a pending building permit application.

(b) Special Provisions Applicable to the St. John's Seminary Conservation Protection Subdistrict. Notwithstanding any contrary provision of this Article or Code, the following categories of Proposed Projects within the St. John's Seminary CPS shall not be subject to site plan review under this Section 51-22, development review under Article 31 or Section 51-45.1, or design review under Section 51-45.2:

(i) any Proposed Project, or portion thereof, devoted to a place of worship, monastery, convent, official residence for members of the clergy, or seminary or other place of religious teaching, study, or adjudication; and

(ii) any Proposed Project, other than a Proposed Project described in paragraph (i) above, with a gross floor area of less than one hundred thousand (100,000) square feet (which is not a segment or phase of a larger Proposed Project) owned or leased by a religious denomination or sect and used in furtherance of the purposes of such denomination or sect.

2. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project subject to the provisions of this Section 51-22 shall include a Site Plan Review Application, as that term is defined in Subsection 4 below and shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Environment Department. The Boston Environment Department may, within forty-five (45) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with additional material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the

standards for approval set forth in Subsection 5 of this Section 51-22. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said forty-five (45) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the standards set forth in Subsection 5 of this Section 51-22 or is not consistent with such standards; provided that if no such findings are transmitted to the Inspectional Services Department within sixty (60) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the standards set forth in Subsection 5 of this Section 51-22 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 51-22 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Relationship to Article 31. When a Proposed Project is subject to the provisions of this Section 51-22 and also is subject to the provisions of Article 31, the site plan review required by this Section 51-22 shall be conducted as part of the development review required by Article 31.

Accordingly, the Project Notification Form submitted to the Boston Redevelopment Authority pursuant to Section 31-5.1 shall include a summary of each of the elements of the Site Plan Evaluation, as described in Subsection 4 below. The required scope of the Site Plan Review Application shall be addressed in the Scoping Determination issued pursuant to Section 31-5.2 and site plan review shall occur in the context of Article 31 as though the substantive submission and review requirements of this Section 51-22 were set forth as one of the development review components described in Section 31-5.2. The timing and procedure for review shall be as set forth in Article 31, rather than Subsection 2, above, except that the Boston Redevelopment Authority shall transmit a copy of each development review submission received for such Proposed Project to the Boston Environment Department and consider all comments received within the comment periods required by Subsection 2, above. An Adequacy Determination for such Proposed Project, pursuant to Section 31-5.6 shall not be issued unless the review standards of Subsection 5 of this Section 51-22 have been satisfied.

4. Content of Site Plan Review Application. A Site Plan Review Application shall consist of the following:

- (a) A survey map prepared by a registered surveyor showing topography at two foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural

features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines.

- (b) Photographs showing the location and condition of significant natural features.
- (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the applicant within the CPS, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan shall also show the extent to which significant natural features of the site will be preserved and protected.
- (d) A drainage plan and soil report prepared by a registered engineer, when necessary, to assess the drainage impacts of the proposed site plan on significant natural features.
- (e) A proposed maintenance plan for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the program.

- (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the BRA.

The BRA may waive one or more requirements set forth in the preceding subparagraphs (a) through (f) upon the written request of the Applicant if the BRA determines that such requirements are unnecessary for evaluation purposes.

5. Standards for Site Plan Approval. This Subsection 5 establishes standards to be applied in review of a site plan for a Proposed Project subject to the provisions of this Section 51-22.

- (a) The Proposed Project should result in the minimum practicable interference with significant natural features within a CPS consistent with development permitted by the applicable use and dimensional controls. To the extent thus consistent,
 - (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
 - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken if economically

practicable. The preservation of existing vegetation is encouraged.

- (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas and the preservation of significant natural features.
- (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or wetland. Existing vegetation in steep areas should not be removed, destroyed or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.
- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.

- (e) Site plan review shall take full account of reasonably foreseeable future development within the CPS. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan within the CPS of the applicant or any predecessor in interest of the applicant.

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

SECTION 51-23. Establishment of Greenbelt Protection Overlay Districts.

This Section establishes five (5) "Greenbelt Protection Overlay Districts" (GPOD) in the Allston-Brighton Neighborhood District. Any Lot within a GPOD is subject to the provisions of this Article applicable to the subdistrict within which it is located and to the provisions of Article 29, Greenbelt Protection Overlay Districts. The GPODs are designated on "Map 7A Allston-Brighton Neighborhood District":

1. Chestnut Hill Driveway GPOD;
2. Commonwealth Avenue GPOD;
3. Leo Birmingham Parkway GPOD;
4. Nonantum Road GPOD; and
5. Soldiers Field Road GPOD.

SECTION 51-24. Establishment of Neighborhood Design Overlay Districts.

This Section establishes five (5) Neighborhood Design Overlay Districts as overlays to Residential Subdistricts, within the Allston-Brighton Neighborhood District.

1. Aberdeen Neighborhood Design Overlay District. The Aberdeen area grew in the 1890s as a residential community and is characterized by picturesque development of curvilinear streets with large shingle style houses in naturalistic settings. It includes Chiswick, Selkirk, Kilsyth, Kinross and Lanark Roads, and Englewood Avenue.

2. Newton Street Neighborhood Design Overlay District. The homes along Newton Street are brick or stone mansard double houses of uniform design and construction. Probably built between 1871 and 1875, they are the largest concentration of mansard cottages in Brighton.
3. Raymond Street Neighborhood Design Overlay District. Along Raymond Street, Holmes Street, Mead Street and Franklin Street is a large complex of Queen Anne brick row buildings. These buildings have rowlock arches above window and door openings, granite sills and panel brick decoration. They were built in the late 19th century, probably to accommodate workers from local companies.
4. Lake Street Neighborhood Design Overlay District. Lake Street, which was not a public way until the 1850s, contains well preserved residences in a variety of architectural styles which include Italianate vernacular, Colonial Revival, and Craftsman styles. It extends from Knowles Street to Rogers Park Avenue.
5. Sparhawk Neighborhood Design Overlay District. The Sparhawk area is a well-defined neighborhood situated northeast of Brighton Center, bounded on the south by Henshaw and Cambridge Streets, on the east by Dustin Street, on the north by Mapleton Street, and on the west by Market Street. The neighborhood is characterized by homes ranging from commodious

late 19th century single family and double homes in the southern sector to post-World War I Colonial Revival two-family houses lining the grid-patterned streets to the north. It has the best concentration of late 19th century architectural styles in Allston-Brighton in terms of size, quality, variety and state of preservation.

The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts. Within the Neighborhood Design Overlay Districts, special design guidelines may apply as set forth in Sections 51-45 and 51-46. All use, dimensional, and other provisions applicable to the underlying Residential Subdistricts are applicable within the Neighborhood Design Overlay Districts. The Neighborhood Design Overlay Districts are located as designated on "Map 7A Allston-Brighton Neighborhood District."

REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

SECTION 51-25. Establishment of Open Space Districts and Subdistricts.

This Section 51-25 establishes Open Space Districts and Subdistricts in the Allston-Brighton Neighborhood District as indicated on Table 2, below, and as shown on "Map 7A Allston-Brighton Neighborhood District". The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for Allston-Brighton's residents by protecting open space resources. Any Lot within any Open Space District or Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33, Open Space Subdistricts.

1. Air-Right Open Space (OS-A) Subdistrict. Air-Right Open Space Subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14 of the Code.
3. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any

agricultural, floricultural or horticultural commodity and are subject to the provisions of Section 33-8 of the Code.

4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10 of the Code.
5. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include Vacant Public Land, and are subject to the provisions of Section 33-9 of the Code.
6. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses; and are subject to the provisions of Section 33-15 of the Code.
7. Urban Wild Open Space (OS-UW) Subdistrict. Urban Wild Open Space Subdistricts shall consist of land not in the city's park system which includes such features as undeveloped hills, rock outcroppings, quarries,

woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuaries, creeks, rivers, streams, ponds, or lakes and are subject to the provisions of Section 33-15 of the Code.

TABLE 2

**Open Space Districts and Subdistricts
in the Allston-Brighton Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
<u>Open Space District</u>	Charles River Embankment
<u>Open Space Subdistrict</u>	
Air Right	Turnpike
Cemetery	Evergreen Cemetery Market St. Cemetery
Urban Wild	Euston Path Rock Turnpike Overlook
Recreation	Cassidy Playground Fidelis Way Park Hobart St. Play Area Hooker St. Play Area Joyce Playground McKinney Playground Oak Square Playground (Hardiman) Penniman St. Play Area Portsmouth St. Playground Ringer Playground Rogers Park Reilly Playground (Chestnut Hill Reservoir) Smith Playground

DesignationLocation/Name

Parkland

Chandler's Pond (Gallagher Park)

Shubow Park

Wilson Park

Brighton Square

Cunningham Park

Fern Square

Jackson Square

Oak Square

Public Grounds

Ringer Playground

Rogers Park

Boyden Park (Chestnut Hill Reservoir)

Chestnut Hill Reservoir

Birmingham Parkway

Urban Plaza

Union Square

Community Garden

Penniman Street Play Area

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 51-26. Establishment of Neighborhood Business Subdistricts.

This Section 51-26 establishes twenty (20) Neighborhood Business Subdistricts within the Allston-Brighton Neighborhood District. There are three types of Neighborhood Business Subdistricts: Local Convenience Subdistricts, providing convenience retail and services for the immediate neighborhood and pedestrians; Neighborhood Shopping Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial Subdistricts, providing a diversified commercial environment serving larger markets. All three types of Neighborhood Business Districts encourage the development of neighborhood businesses which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Allston-Brighton community. The Neighborhood Business Subdistricts are designated "LC", "NS" or "CC" on "Map 7A Allston-Brighton Neighborhood District":

1. Brooks Street Local Convenience Subdistrict;
2. Chestnut Hill Local Convenience Subdistrict;
3. Chiswick Street Local Convenience Subdistrict;
4. Faneuil Street Local Convenience Subdistrict;
5. Franklin Street Local Convenience Subdistrict;
6. Gordon Street Local Convenience Subdistrict;
7. Kelton Street Local Convenience Subdistrict;
8. Lake Street Local Convenience Subdistrict;
9. Brighton Center Neighborhood Shopping Subdistrict;

10. Cambridge Street Neighborhood Shopping Subdistrict;
11. Cleveland Circle Neighborhood Shopping Subdistrict;
12. Gorham Street Neighborhood Shopping Subdistrict;
13. Lincoln Street Neighborhood Shopping Subdistrict;
14. Market Street/North Beacon Street Neighborhood Shopping Subdistrict;
15. Oak Square Neighborhood Shopping Subdistrict;
16. Sutherland Road Neighborhood Shopping Subdistrict;
17. Washington Street Neighborhood Shopping Subdistrict;
18. Harvard Avenue Community Commercial Subdistrict;
19. Packard's Corner Community Commercial Subdistrict; and
20. Western Avenue/Soldiers Field Road Community Commercial Subdistrict.

SECTION 51-27. Use Regulations Applicable in Neighborhood Business

Subdistricts. Within the Neighborhood Business Subdistricts, the uses identified in Table B of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table B. No land or structure in a Neighborhood Business Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table B as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden for the Neighborhood Business Subdistricts.

SECTION 51-28. Dimensional Regulations Applicable in Neighborhood

Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict and the maximum allowed Floor Area Ratio and Building Height for such Lot are set forth in Table E of this Article.

SECTION 51-29. Sign Regulations Applicable in Neighborhood Business

Subdistricts. In Neighborhood Business Subdistricts there shall not be any sign except as provided in Article 11 and this Section 51-29. Notwithstanding any provisions of Section 11-2 to the contrary, in any Neighborhood Business Subdistrict:

- (a) The Sign Area, as defined in Article 2A, of all permanent Signs on a Sign Frontage, as defined in Article 2A, except for signs on windows above the first floor, free standing signs, directional signs, and public purpose signs listed in items (g) through (k) inclusive of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2);
- (b) A Sign attached at right angles to a building shall not have an area in excess of ten (10) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour;

- (c) Notwithstanding any provision of Section 11-2(e), a free standing Sign shall only be permitted for a Gasoline Station in any Neighborhood Business Subdistrict, and for a General Retail business use, as defined in Article 2A, in the Western Avenue/Soldiers Field Road Community Commercial Subdistrict. There shall be only one (1) free-standing sign on a Lot, and such free-standing Sign shall not have an area in excess of fifteen (15) square feet, and the bottom of such Sign shall not be higher than ten (10) feet above Grade.

SECTION 51-30. Additional Regulations Applicable in Neighborhood

Business Subdistricts. Within the Neighborhood Business Subdistricts, screening and buffering requirements, as set forth in Section 51-48, and design review guidelines, as set forth in Section 51-46, may be applicable.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 51-31. Establishment of Local Industrial Subdistricts. This

Section 51-31 establishes eight (8) Local Industrial Subdistricts within the Allston-Brighton Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Allston-Brighton Neighborhood District. The Local Industrial Subdistricts are designated "LI" on "Map 7A Allston-Brighton Neighborhood District":

1. Ashford Street Local Industrial Subdistrict;
2. Braintree Street Local Industrial Subdistrict;
3. Goodenough Street Local Industrial Subdistrict;
4. Guest Street Local Industrial Subdistrict;
5. Holton Street Local Industrial Subdistrict.
6. Linden Street Local Industrial Subdistrict;
7. Newton Street Local Industrial Subdistrict; and
8. North Beacon Street Local Industrial Subdistrict.

SECTION 51-32. Performance Standards for All Uses. The following effects shall not be allowed from any use within a Local Industrial Subdistrict:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.

2. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, which emanates more than fifty (50) feet beyond the boundaries of the lot upon which the use is located (or more than twenty (20) feet if the abutting lot into which such emanation occurs is within a Residential Subdistrict), is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

SECTION 51-33. Use Regulations Applicable in Local Industrial

Subdistricts. Within a Local Industrial Subdistrict in the Allston-Brighton Neighborhood District, the uses, identified in Table C of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table C. No land or structure in said Subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table C as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in the Local Industrial Subdistricts.

SECTION 51-34. Dimensional Regulations Applicable in Local Industrial

Subdistrict. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space required for any Lot in a Local Industrial

Subdistrict and the maximum allowed Floor Area Ratio and Building Height for such Lot is set forth in Table F of this Article.

SECTION 51-35. Additional Regulations Applicable in Local Industrial

Subdistricts. Within the Local Industrial Subdistricts, screening and buffering requirements apply as set forth in Section 51-48.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 51-36. Establishment of Allston Landing Economic Development

Areas. This Section 51-36 establishes two (2) Economic Development Areas ("EDAs") within the Allston-Brighton Neighborhood District: the Allston Landing North EDA and the Allston Landing South EDA. Allston Landing has uniquely favorable access to the regional transportation network system, with direct truck access from major roads. This access provides a prime location for the preservation of industrial uses and the attraction of new manufacturing, commercial, and research and development uses while minimizing impacts on the adjacent residential community.

The purposes of establishing the EDAs are to encourage economic growth, including manufacturing, commercial, and research and development activity, in a manner which is sensitive to the interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood; and to encourage the diversification and expansion of Boston's and Allston-Brighton's economy with special emphasis on the creation and retention of job opportunities. EDAs are designated "EDA" on "Map 7A Allston-Brighton Neighborhood District."

1. Allston Landing North EDA. The Allston Landing North EDA is intended as a focal point for economic growth and development with strong emphasis on scientific research and development and manufacture of the products of such research and development. In addition to economic growth and the creation of employment opportunities for City of Boston residents, affordable housing on the Allston Landing North EDA may be

accommodated adjacent to the existing North Allston community.

Opportunities to enhance the visual character of this EDA and create connections to the Charles River waterfront and open space, and improve transportation access and circulation also can be realized in a manner supportive of economic activities and adjacent residential uses.

2. Allston Landing South EDA. The Allston Landing South EDA is owned primarily by the Massachusetts Turnpike Authority and occupied by Turnpike ramps, rail and motor freight facilities and industry. The purpose of this Allston Landing South EDA is to promote both industrial and manufacturing uses, and to preserve and maintain the existing industrial uses which are vital to the City, State and regional economy.

SECTION 51-37. Use Regulations Applicable in EDAs. Within the Allston Landing North EDA and the Allston Landing South EDA of the Allston-Brighton Neighborhood District, the uses identified in Table C of this Article, and described in greater detail in Article 2A, are allowed, conditional or forbidden as set forth in said Table C. No land or structure in an EDA shall be erected, used, arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C as "A" (allowed), or subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in an EDA.

SECTION 51-38. Dimensional Regulations Applicable in EDAs. The

minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space required for any Lot in an EDA and the maximum allowed Floor Area Ratio and Building Height for such Lot are set forth in Table G of this Article.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 51-39. Establishment of Areas Within Which Planned

Development Areas May be Permitted. Planned Development Area ("PDAs"), as described in Section 3-1A.a, are permitted within the Conservation Protection Subdistricts, the Western Avenue/Soldiers Field Road Community Commercial Subdistrict, the Allston Landing North Economic Development Area, and the Allston Landing South Economic Development Area. PDAs are not permitted elsewhere in the Allston-Brighton Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the Allston-Brighton community, including the creation of new job opportunities, and affordable housing; to allow for the diversification and expansion of Boston's economy through manufacturing, commercial and scientific research and development uses; to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict; to encourage economic development in the Allston Landing North and Allston Landing South Economic Development Areas and the Western Avenue/Soldiers Field Road Community Commercial Subdistrict while ensuring public benefits and quality urban design by providing planning and design controls; to encourage economic development, and commercial, manufacturing and industrial expansion; and to allow for the creation of affordable housing.

SECTION 51-40. Planned Development Areas: Use and Dimensional Regulations.

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations set forth in Table A of this Article, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 3.

TABLE 3

**Allston-Brighton Neighborhood District
Planned Development Areas
Maximum Floor Area Ratios**

<u>Area</u>	<u>Maximum FAR</u>
Allston Landing North EDA	2
Allston Landing South EDA	2
Conservation Protection Subdistricts	0.5
Western Avenue/Soldiers Field Road Community Commercial Subdistrict	1.75

SECTION 51-41. Planned Development Areas: Approval Process. This Section 51-41 establishes a process for approving Proposed Projects within Planned Development Areas.

1. Development Plan Approval Process. To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. A Proposed Project within a PDA may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this article and the Code, so long as the Proposed Project as a whole is consistent with the provisions of this article and the Code, including without limitation those relating to maximum Floor Area Ratio.
2. Boston Redevelopment Authority Review. No later than sixty (60) days after the Applicant files a Development Plan, the Boston Redevelopment Authority shall approve the Development Plan, and authorize its Director to petition the Zoning Commission to approve the Development Plan and to designate the area of the Proposed Project as a PDA, or shall conditionally approve the Development Plan, or shall disapprove the Development Plan.
3. Community Participation. The Applicant shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)) of the application for Development Plan approval to allow for distribution to interested parties. After receiving such application, the Boston Redevelopment Authority shall retain one copy for its files, transmit copies to appropriate City departments and agencies and, upon request, to

1. Development Plan Approval Process. To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. A Proposed Project within a PDA may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this article and the Code, so long as the Proposed Project as a whole is consistent with the provisions of this article and the Code, including without limitation those relating to maximum Floor Area Ratio.
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agencies and to community and neighborhood organizations in the Allston-Brighton Neighborhood District that have requested such materials. Within five (5) days after the Boston Redevelopment Authority has received such application, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the applicant and identify the Development Plan area, and shall make copies available generally to the public. Before it renders a decision on an application for Development Plan approval, the Boston Redevelopment Authority shall review timely comments and recommendations from the general public, neighborhood and community organizations in the Allston-Brighton Neighborhood District, and public agencies concerning the Development Plan's compliance with the approval standards set forth in Section 51-43 (which address Development Plan impacts). The BRA shall work toward resolution of issues raised in the public review process.

4. Zoning Commission Approval Only; No Board of Appeal Action Required.

Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. The Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or is subsequently entered into with the Boston

community and neighborhood organizations in the Allston-Brighton Neighborhood District, and make copies available generally to the public. Before it renders a decision on an application for Development Plan approval, the Boston Redevelopment Authority shall review timely comments and recommendations from the general public, neighborhood and community organizations in the Allston-Brighton Neighborhood District, and public agencies. The BRA shall work toward resolution of issues raised in the public review process.

4. Zoning Commission Approval Only; No Board of Appeal Action Required.

Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. The Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or is subsequently entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project, and the parcels or lots and improvements thereon, which are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this article and the Code, so long as the same are consistent with the provisions of the approved Development Plan and the other applicable provisions of the Code. Nothing in this article shall be construed to limit

the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the FAR provisions set forth in Section 51-40 are not permitted.

5. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and Subsection 1 of this Section 51-41.

SECTION 51-42. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 51-43. Planned Development Areas; Standards for Development

Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing, provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of Sections 51-39 through Section 51-44; (b) such Development Plan conforms to the Allston-Brighton Neighborhood Plan and the general plan for the city as a whole; (c) each Proposed Project described in the Development Plan is in compliance with the FAR limits set forth in Section 51-40; (d) on balance, nothing in such Development Plan will be injurious to the Allston-Brighton neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and, (e) provided that for any PDA for any general retail use within the Allston Landing North EDA, the Development Plan shall include a comprehensive traffic access plan which incorporates access restrictions, alterations to traffic routes, truck routes or other mechanisms by which traffic impacts shall be mitigated in accordance with Article 31, and by which traffic shall be directed away from residential areas of the Allston-Brighton Neighborhood District and directed to major thoroughfares of the District; and provided further that such Development Plan for a PDA for such general retail use within the Allston Landing North EDA shall comply with the screening and buffering requirements set forth in Section 51-48.

SECTION 51-44. Planned Development Areas: Public Benefits Within the

Allston Landing EDAs. The Boston Redevelopment Authority may approve a

Development Plan for a Proposed Project within Allston Landing as meeting the provisions of Section 51-43 if the Development Plan proposes a plan for public benefits including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity such as private investment in manufacturing, commercial uses or research and development; (b) creation of new job opportunities and establishment of educational facilities, career counseling or technical assistance providing instruction or technical assistance in fields related to such jobs; (c) provision of Affordable Housing in the Allston Landing North EDA for Allston-Brighton and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings through the provision of open space improvements including open space connections to the Charles River waterfront, the provision of street trees and improvements that enhance open space, improvements to the urban design character of the site and its surroundings, and enhancement of existing open space or creation of open space.

DESIGN AND DEVELOPMENT REVIEW REQUIREMENTS

SECTION 51-45. Allston-Brighton Neighborhood District Design and Development Review Requirements. In order to ensure that growth in the Allston-Brighton Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the following regulations apply.

1. Applicability of Article 31 Development Review Requirements.

- (a) Large Projects. The provisions of Article 31, Development Review Requirements, other than Section 31-3, shall be applicable in the Allston-Brighton Neighborhood District to any Proposed Project which has a gross floor area of 50,000 square feet or more, except where otherwise specified in this Article.
- (b) Certain Projects for Residential Uses. A Proposed Project, not otherwise subject to the provisions of Article 31, for the construction of fifteen (15) or more units of housing (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more units over the number of existing units), shall comply with the Transportation Access Plan requirements of Section 31-6, in addition to the design review requirements of Section 51-46 below.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Subsection 1 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31.

2. Applicability of Design Review to Certain Projects Not Subject to Article 31.

The provisions of this Subsection 2 shall apply only to Proposed Projects not otherwise subject to the comprehensive development review requirements of Article 31, pursuant to paragraph (a) of Subsection 1, above.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority: (i) any Proposed Project where one Applicant seeks to erect one or more new buildings, or an addition, or an extension to one or more existing buildings, which new building or buildings, addition, or extension, is located on one Lot or contiguous Lots and has an aggregate gross floor area of 20,000 gross square feet or more; (ii) any Proposed Project for the construction of fifteen (15) or more units of housing (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more units over the number of existing units); (iii) within a Neighborhood Business Subdistrict or a Neighborhood Design Overlay District, any Proposed Project for the erection, addition or extension of a Building with a gross floor area of three

hundred (300) square feet, or for an exterior alteration affecting more than three hundred (300) square feet of a Building facade if such new Building, addition, extension, or facade alteration is visible from any public street or public open space; or (iv) within a Neighborhood Design Overlay District, any exterior alteration changing the roof shape, cornice line, height of Street Wall, or Building Height of an existing Building.

The provisions of this Subsection 2 shall not apply to any area within a Neighborhood Design Overlay District subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission with design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project subject to the provisions of this Section and Section 51-46 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

3. Procedure for Approval of Proposed Project Subject to Design Review by the Boston Redevelopment Authority. Each application for a permit for a Proposed Project which is subject to design review by the Boston Redevelopment Authority pursuant to this Section shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for

its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 51-46 or is not consistent with the guidelines set forth in Section 51-46; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 51-46 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 51-46. Design Guidelines for the Allston-Brighton Neighborhood

District. The following design guidelines shall be considered by the Boston Redevelopment Authority in reviewing a Proposed Project in the Allston-Brighton Neighborhood District subject to design review.

1. Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.

2. Vehicular access and egress to a site should provide safe visual access for drivers and pedestrians.
3. Parking should not be located in the front of buildings, unless there are special circumstances such as existing placement of buildings or site conditions that make it necessary. Parking and storage areas should be located behind buildings and shall comply with the applicable provisions of Section 51-51.
4. New or rehabilitated residential buildings should reflect and complement the patterns of height, siting and architectural character of the surrounding residential structures. The removal or alteration of any historic or architectural feature should be held to a minimum.
5. New or rehabilitated commercial buildings should be compatible with the height, building material, and architectural character of older commercial buildings. Distinctive features such as the size, scale, mass, architectural detail and building materials should be retained, if possible, when rehabilitating commercial or residential buildings. This should include roofs, roof profiles, existing window and door openings, steps, porches, and other features that give a neighborhood its distinguishing character.

6. Deteriorated architectural features should be repaired rather than be replaced, wherever possible, when rehabilitating residential or commercial buildings. In the event that replacement is necessary, the new material should match the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based as much as possible on accurate duplication of original features or on other buildings of the same style and period.
7. Contemporary design for additions to existing residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the existing structure and surrounding neighborhood environment. Alterations to create earlier or later appearances shall be discouraged.
8. New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of the buildings should respect significant landscape features on the site.
9. New residential construction should respect certain standards of scale in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and

landscape elements all should be consistent with the surrounding architecture and environment.

10. Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows or entrances facing onto pedestrian areas, should be avoided to the extent practicable in building designs. Proposed Projects shall comply with the provisions of Section 51-47, relating to streetwall continuity and display windows, where applicable.

11. Storefronts should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture.

12. Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.

13. Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy.

14. A clearly defined zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade without changing color. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs shall comply with the provisions of Section 51-29, where applicable.
15. Landscaping and screening should be used to make Neighborhood Business subdistricts more attractive, and to provide screening between neighborhood business and residential uses. Proposed Projects shall comply with the screening and buffering provisions of Section 51-48, where applicable.
16. In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

SECTION 51-47. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, all Proposed Projects within the Allston-Brighton Neighborhood District shall comply with the following design requirements. The provisions of Article 6A shall be applicable to the provisions of this Section 51-47.

1. Street Wall Continuity. This Subsection 1 shall apply within a Neighborhood Business Subdistrict, to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure, or the extension of an existing structure, where such extension changes the location of a Street Wall facing a public street. Each newly constructed or relocated Street Wall of any such Proposed Project shall be built to be coextensive with the Building Line, as defined in Article 2A, of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then said Street Wall shall be built at a depth from the curb line equal to that of the Building Line farthest from the curb line of the two blocks adjacent to said Block, facing onto the same street.

If there is no determinable Building Line of either of said adjacent blocks, then (a) if the Proposed Project is subject to or elects to comply with the design review requirements of Section 51-45, an appropriate Street Wall location shall be determined in the development review or design review process, as the case may be, or (b) notwithstanding any contrary provision of Section 51-45, the Proposed Project shall be deemed subject to the design review provisions of said Section 51-45 for the limited purpose of determining an appropriate Street Wall location.

Notwithstanding the above requirements, for any Proposed Project in the location or subdistrict listed below,

- (i) the Street Wall shall be built at a depth from the curb line equal to that of the Building Line farthest from the curb line of the two blocks adjacent to said Block:

on Washington Street: between Shanley Street and Lake Street; between Parsons Street and Foster Street, except between Corey Street and the Brookline boundary, where the Street Wall shall be built at a depth of seven (7) feet;

in the Chestnut Hill Avenue Local Convenience Subdistrict, the east side of Chestnut Hill Avenue;

on Market Street between Surrey Street and Bennett Street;

on Commonwealth Avenue between Royce Street and Gorham Street;

on Harvard Avenue between Commonwealth Avenue and Brookline, the Street Wall shall be built at a depth from the curb line equal to the Street Wall line on the opposite side of the street;

on Cambridge Street between Harvard Avenue and Craftsman Street and on Brighton Avenue between Harvard Avenue and

Craftsman Street, the Street Wall shall be determined by the curb line of the block between Harvard Street and Linden Street; and

on Brighton Avenue; between Allston Street and Higgins Street; and between Reedsdale Street and Linden Street.

(ii) the Street Wall shall be built up to the edge of the sidewalk in the following subdistricts:

in the Market Street/North Beacon Street Neighborhood Shopping Subdistrict;

in the Cleveland Circle Neighborhood Shopping Subdistrict, on the south side of Beacon Street;

A Proposed Project shall comply with the requirements of this Subsection with respect to each facade facing a public street, but excluding alleys and private ways.

Except as otherwise provided in this Subsection 1, Street Walls shall be continuous across a lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Further, larger recesses and bays in Street Walls shall be permitted as follows. For Proposed Projects neither

subject to nor electing to comply with the development review requirements of Article 31 or the design review requirements of Section 51-45, recesses not exceeding fifteen (15) feet in depth, and not affecting more than fifty percent (50%) of the surface area of the Street Wall plane shall be permitted. Further, Bay Windows shall be permitted to extend from the Street Wall plane above the Ground Floor Ceiling Height provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane. For Proposed Projects which are subject to or elect to comply with the development review requirements of Article 31 or the design review requirements of Section 51-45, recesses and Bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31 or the design review provisions of Section 51-45.

2. Display Window Area Regulations. The Subsection shall apply in an Economic Development Area or Neighborhood Business Subdistrict to any Proposed Project for a Retail Use, Service Use, or Trade Use. For the purposes of this Subsection, the term "Display Window Area" means that area of the Street Wall of any structure that is between Grade and the Ground Floor Ceiling Height (or the roof structure if only a one-story

structure), or fourteen (14) feet, whichever is less, and excludes any area of Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. At least sixty percent (60%) of the Display Window Area between three (3) feet above Grade and eight (8) feet above Grade of Retail Uses, Entertainment Uses, Service Uses and Trade Uses, shall be glazed and transparent.

Article 11 of this code applies to any painting or signs on the Display Window Area. That portion of the Display Window Area required by this Subsection to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

- (b) Display Window Area Usage. To a depth of at least two (2) feet behind the Display Window Area for a Retail Use, Service Use, Office Use or Trade Use there shall be: (a) an area for the display of goods and services available for purchase on the premises; or (b) an area for exhibits and announcements; provided, however, that no such areas shall be required in the case of a display window that provides pedestrians with a view of the Retail Use, Service Use, or Trade Use, as the case may be, being conducted on the premises.

3. In a Residential Subdistrict, any Proposed Project shall be subject to the following requirements:

- (a) Roof Line Pitch. The roof line pitch of any Dwelling to be erected shall be built to conform to the roof line pitch of other Dwellings which occurs most frequently on the Block on which the Dwelling to be erected fronts.
- (b) Windows. Double-hung windows shall be required in all windows of any Dwelling erected except in Bay Windows.
- (c) The main entrance of any new Dwelling erected shall face the Front Lot Line of a Lot.

SECTION 51-48. Allston-Brighton Neighborhood District Screening and Buffering Requirements. In order to ensure that the commercial and industrial subdistricts of the Allston-Brighton Neighborhood District develop into attractive and appropriately landscaped areas which enhance the neighborhood and streetscape visually, the screening and buffering requirements of this Section 51-48 shall apply as set forth below. The provisions of Article 6A shall apply to the provisions of this Section 51-48.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. The provisions of this Subsection 1 shall apply to any Proposed Project in a Neighborhood Business Subdistrict, Local Industrial Subdistrict, or Economic Development Area, other than a Proposed Project for a Residential Use, that includes (a) the

erection of a new Building, or (b) the extension of an existing Building, where the extension exceeds twenty-five percent (25%) of the gross floor area of such existing Building. Where any property line of such Proposed Project abuts (a) a public street or public park, or (b) a Residential Subdistrict or Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain along the property line(s) abutting such street, park, or Subdistrict, a screen that consists of one of the following combinations of plant materials and fencing:

- (a) A strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty chain-link fence vinyl coated or galvanized with or without redwood strips woven through it, or wrought iron fence at least six (6) feet high, but not more than eight (8) feet above finished Grade; or
- (b) A strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least sixty percent (60%) opaque and at least six (6) feet high, but not more than eight (8) feet above finished Grade; or
- (c) The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening; or

- (d) Masonry piers and/or walls in conjunction with other materials such as steel pickets may be used, at least six (6) feet high but not more than eight (8) feet above finished Grade.

2. Screening and Buffering of Parking, Loading, and Storage Areas. In Residential Subdistricts, Neighborhood Business Subdistricts, Local Industrial Subdistricts, and Economic Development Areas, any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, or (c) a Residential Subdistrict, shall be screened from view as provided in this Subsection 2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than three (3) feet and no more than four (4) feet high. All parking lot lighting shall be designed to shine entirely on the lot. All parking lots shall be Accessible to the handicapped.

3. Screening of Disposal Areas, Loading Areas, and Certain Equipment. Disposal areas, dumpsters, loading areas, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, or (c) a Residential Subdistrict, shall be screened from view as provided in this Subsection 3. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation.

Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.

4. Specifications for Plantings. Shrubs required by this Section may be of deciduous or evergreen, or a mixture of both types, densely planted to provide a mature appearance within three (3) years. Trees required by this Section 51-48 may be deciduous or evergreen, or some combination of both types. Deciduous trees shall be minimum three (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center, and evergreen trees shall be minimum twelve (12) feet high and planted twelve to fifteen (12-15) feet on center, provided that, in Proposed Projects that are subject to or elect to comply with Article 31, such trees may be of a different size if shown on a landscape plan prepared by a registered landscape architect and approved by the Boston Redevelopment Authority in connection with Article 31 development review. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary.

5. Maintenance of Landscaped Areas. Landscaping required by this Section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so

as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering.

6. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
7. Outside Storage. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required in this Section 51-48. In a Local Industrial Subdistrict, for all Storage Uses as identified in Table C, any material or equipment stored to a height greater than four (4) feet above grade level shall be surrounded by a wall or fence or vegetative screen not less than six (6) feet high, or such additional height as may be necessary to screen such material or equipment from any public street or public open space.
8. Security Grates. If a security grate is to be used, it should be grille rather than a roll-up steel door; mounted inside rather than outside the building, if practicable; and if such security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

MISCELLANEOUS PROVISIONS

SECTION 51-49. **Additional Requirements in Neighborhood Business**

Subdistricts, Local Industrial Subdistricts and Allston Landing Economic

Development Areas. Any application for a permit for expansion of seating or standing capacity of any Restaurant With Live Entertainment operating after 10:30 p.m., Bar, or Bar With Live Entertainment, as those terms are defined in Article 2A, shall be conditional and subject to the provisions of Article 6 if such use is conditional, and forbidden if such use is forbidden.

SECTION 51-50. **Regulations Applicable to Billboards.** Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence as of the effective date of this Article, shall be forbidden in the Allston-Brighton Neighborhood District.

SECTION 51-51. **Off-Street Parking and Loading Requirements.** For any Proposed Project subject to or electing to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For any other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table J and the minimum required off-street loading spaces are as set forth in Table K.

1. Uses Not Divided into Dwelling Units. For the purposes of Table J, where a use is not divided into dwelling units:

- (a) if sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two people, each four beds shall constitute one Dwelling Unit.
2. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
3. Pre-Code Structures. If a Structure existing on the effective date of this article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
4. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use and the required number of off-street loading spaces shall be the total of the required number of off-street loading spaces for each use.

5. Location.

- (a) Accessory Off-Street Parking shall not be located in any part of the front or side yards required by this article.
- (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on the particular Lot is for Residential Uses and the other lot is within four hundred feet of the particular Lot; and (2) where the main use on the particular lot is for Non-Residential Uses and the other lot is within twelve hundred (1,200) feet of the particular lot.
- (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided, that there is a permanent allocation of the requisite number of spaces

for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use or the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that "shared-parking" arrangements, in which a single parking spaces be counted for different uses which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

- (d) The off-street parking required by this article for a Dwelling Unit should be used by those cars for which the parking facilities are required.

6. Design. All off-street parking facilities provided to comply with this article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

(b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another Lot.

(c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.

(d) Each car space shall be located entirely on the Lot and fifty (50) percent of which may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.

7. Maintenance. All off-street parking facilities provided to comply with this article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 51-52. **Application of Dimensional Requirements.**

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear and Side Yards are

met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction or alteration of a single family dwelling, two-family dwelling, or three-family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this article takes effect; provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of dwelling units than is proposed.

2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this article to have a minimum Front Yard there exist two or more buildings fronting on the same side of the same street as such Lot, instead of the minimum Front Yard depth specified in this article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

3. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street shall be maintained within that part of the required Front Yard which is within the triangular area formed by the abutting side lines of the intersecting streets

and a line joining points on such lines thirty (30) feet distant from their point of intersection.

4. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the front Lot line, but the average distance between such wall and such lot line is no less than the minimum Front Yard depth otherwise required by this article, and the distance between such wall and such Lot line is at no point less than three fourths ($3/4$) of the minimum Front Yard depth so otherwise required, the requirements of this article shall be deemed to be met.
5. Special Provisions for Corner Lots. If a Lot abuts on more than one street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided below. The Front Yard requirements of this article, and not the Side Yard requirements, shall apply to that part of a side Lot Line which is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
6. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot Line nearest to it, but the average distance between such wall and such Lot Line is no less than the minimum Side Yard width otherwise required by this article, and the distance between such wall and such lot line is at no point less, in the case of a

side Lot Line which is not also a Street Line, than three-fourths (3/4) of the minimum side yard width so otherwise required, and in the case of a side Lot Line which is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the requirements of this article shall be deemed to be met.

7. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this article takes effect is narrower than the minimum Lot Width specified for such lot in this code, or, if no minimum Lot Width is so specified, than fifty (50) feet, one and one half (1-1/2) inches shall be deducted from the width otherwise required by this article for each Side Yard thereof; provided that in no event shall either Side Yard of any such Lot in a Residential Subdistrict be less than eight (8) feet wide, or in any other district less than six (6) feet wide. No Side Yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this article shall be less than ten (10) feet in width.
8. Accessory Buildings in Rear Yards. Accessory buildings may be erected in a Rear Yard; provided that no such Building is more than fifteen (15) feet in height or nearer than four (4) feet to any Side Lot Line.
9. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the rear Lot Line and the rear lot line is not also a

Street Line, but the average distance between such wall and such Lot Line is no less than the minimum rear yard depth otherwise required by this article, and the distance between such wall and such lot line is at no point less than three fourths ($\frac{3}{4}$) of the minimum rear yard depth so otherwise required, the requirements of this article shall be deemed to be met.

10. Rear Yards of Through Lots. The Front Yard requirements of this code, and not the Rear Yard requirements of this article, shall apply to that part of a Rear Yard which is also a Street Line except in the case of a Rear Yard which abuts a street less than twenty (20) feet in width.
11. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard thereof; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
12. Underground Encroachments in Yards. In any district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five (5) feet above grade level.

13. Two or More Dwellings on Same Lot. Where a dwelling (other than a temporary dwelling) designed for occupancy or occupied by one or more families is on the same lot as, and to the side of, another dwelling or other Main Building, the distance between such dwelling and such other dwelling and/or building shall be not less than twice the minimum Side Yard depth required by this article for such other dwelling or Main Building; and the requirements of this article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards, shall apply as if such dwelling were on a separate lot. A dwelling shall not be built to the rear of another dwelling, accessory building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.
14. Two or More Buildings on One Lot. If on one lot there are two or more Main Buildings or dwellings, including temporary dwellings, the yard requirements of this article shall apply at each actual lot line and not as if each Building were on a separate Lot.

SECTION 51-53. Nonconformity as to Dimensional Requirements. A

Building or use existing on the effective date of this article and not conforming to the

applicable dimensional requirements specified in other provisions of this article, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 51-54. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 51-55. **Severability.** The provisions and requirements of this article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this article.

SECTION 51-56. **Definitions.** Capitalized words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 51-57. **Appendices.** The following appendices are attached to and are hereby made part of this article:

Appendix A: Tables A-K.